

"During World War II and before any improvement in conditions were required or made by the defendants, contracts for large amounts of defendants' products were made by the War Department to be used for food for the armed services; and during the manufacture of the products under these contracts frequent inspections of the plant and manufacturing processes were made by Inspectors of the Army and no complaint or criticism was received.

"The individual defendant's affidavit says: 'Since 1945, every suggestion ever made by Food and Drug Administration Inspectors, or by other inspectors, in the interests of sanitation in said Bakery's operation, has been followed, as well as all other measures which appeared advisable to assure clean products and plant.'

"The Court cannot say, under the facts admitted, that the defendants are complying with the Act, but the extent to which they may be remiss or what additional precautions, if any, should be taken, is not clear. The Court is of the opinion that in view of the expressed desire and efforts of the defendants to comply with the law that it is unnecessary and perhaps improper, *in advance of a hearing on the merits*, to grant an injunction.

"The motion for preliminary injunction is, therefore, denied."

The case was held in abeyance to permit another inspection to be made of the defendants' plant. After an inspection on 3-23-50 disclosed no significant insanitary conditions, the complaint for injunction was dismissed on 5-18-50.

23405. Bakery products. (Inj. No. 165.)

COMPLAINT FOR INJUNCTION FILED: 5-9-47, Dist. Md., against Community Baking Co., a corporation, Cumberland, Md., and John A. Kreiling, vice president and plant manager.

CHARGE: The complaint alleged that the defendants had been and were, at the time of filing of the complaint, introducing into interstate commerce, bread, rolls, cakes, and sweet bakery products which were adulterated within the meaning of 402 (a) (3) and (4) by reason of the presence in such articles of insect parts, rodent hair, whole larvae, whole insects, and feather barbules, and by reason of the preparation of the articles under insanitary conditions.

DISPOSITION: On 6-4-47, the defendants having consented, the court entered a temporary injunctive decree enjoining the defendants against commission of the acts complained of. Thereafter, the defendants filed a petition for rescission of the temporary injunction; and on 9-13-48, the court entered an order rescinding the injunction and dismissing the proceedings.

23406. Bakery products. (Inj. No. 114.)

COMPLAINT FOR INJUNCTION FILED: 9-21-45, Dist. Md., against Margaret T. McIntyre, t/a McIntyre's Bakery, Westernport, Md., and J. Milton McIntyre.

CHARGE: The complaint alleged that since May 6, 1944, the defendants had operated a plant engaged in the manufacture and shipment in interstate commerce of bakery products which were adulterated as follows:

- 402 (a) (3)—the articles consisted in part of a filthy substance; and 402 (a) (4)—the articles were manufactured under insanitary conditions.

The complaint alleged also that various inspections and examinations had been made by representatives of the Food and Drug Administration; that the defendants had been warned to remedy the defects existing in their method of operating; and that despite such warnings, the defendants had continued to manufacture and ship in interstate commerce adulterated bakery products.

DISPOSITION: On 10-19-45, the defendants having consented, the court entered a temporary injunction enjoining the defendants against introducing into